

in no wise be construed as a repeal of any existing law.

If upon the convening of any special term of a District Court the official court reporter is not available, then in such event said Administrative Judge shall have the power to appoint a stenographer who shall be entitled to receive the same fees per diem and expenses during the time he serves as is paid the official reporter, said per diem and expenses to be paid by the county in which said term of court is held in the same manner as is paid the regular official reporter.

Section 10c. If and in the event any section, article, provision or part of this act be declared unconstitutional or inoperative by a court of competent jurisdiction, such decision shall in no way affect the validity of any of the remaining parts, articles, provisions or sections of this act and the Legislature hereby declares that it would have passed those parts of this act which are held to be valid and would have omitted any parts which may be unconstitutional if it had known that such parts were unconstitutional at the time of the passage of this act.

Sec. 2. Due to the increase in population and the increase of litigation in many of the Judicial Districts; and due to the large number of counties composing Judicial Districts, especially in the western portions of Texas, so that in some of said counties the terms of District Court are so limited as not to permit the regular judges to dispose of cases pending and due to the fact that by the appointment of administrative judges in those districts where by reason of increased population and litigation, it will result in a speedy dispatch of business and to a more effective enforcement of the law, creates an emergency and an imperative public necessity requiring that the constitutional rule providing that bills be read on three separate days be suspended, and the same is hereby suspended and this Act shall be in force from and after its enactment and it is so enacted.

SEVENTH DAY.

Senate Chamber,

Austin, Texas,

Thursday, May 2, 1929.

The Senate met at 10 o'clock a. m.

pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

Parr.	Williamson.
Russek.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Small.

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senators Hyer and Hardin:

S. B. No. 47, A bill to be entitled "An Act vesting the right of eminent domain in the Board of Managers of the North Texas Junior Agricultural, Mechanical and Industrial College; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Holbrook:

S. B. No. 48, A bill to be entitled "An Act to amend Article 377 of the Revised Civil Statutes of 1925."

Read first time and referred to Committee on Banks and Banking.

By Senator Holbrook:

S. B. No. 49, A bill to be entitled "An Act to amend Article 415 of the Revised Civil Statutes of 1925."

Read first time and referred to Committee on Banks and Banking.

By Senator Holbrook:

S. B. No. 50, A bill to be entitled "An Act to amend Article 416 of the

Revised Civil Statutes of 1925, as amended by Chapter 252 of the General Laws of the Regular Session of the Fortieth Legislature, regulating the class of securities for loans and investments of saving deposits, and declaring an emergency."

Read first time and referred to Committee on Banks and Banking.

By Senator Wirtz:

S. B. No. 51, A bill to be entitled "An Act to amend Article 2024 of the Revised Civil Statutes of 1925, relating to and providing for service of process by a constable in suits in which the sheriff is a party to, or interested in, said suit, so as to authorize the judge of the court in which any cause is pending to direct the sheriff of some adjoining county to serve any process or writ issued out of such court when it is made to appear that there is likewise no qualified and acting constable in any justice precinct of the county in which such process or writ is to be executed, or each qualified and acting constable in said county is likewise a party to, or interested in, said suit."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Wirtz:

S. B. No. 52, A bill to be entitled "An Act creating an Advisory Civil and Judicial Council for the continuous study and investigation of the report upon the civil judicial system of the State, its administration, procedure and functioning; etc."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Cousins:

S. B. No. 53, A bill to be entitled "An Act authorizing the commissioner's court in any county having a population of not less than 73,100 and not more than 73,300 as shown by the preceding Federal census to purchase not exceeding two automobiles for the use by said assessor while actually engaged in the discharge of his official duties, and providing for reports of repairs thereon and maintenance, to be made to the county auditor and limiting the amount to be expended for the purchase of said automobiles, and pro-

viding for the marking of said cars, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Cousins:

S. B. No. 54, A bill to be entitled "An Act amending Section 9 of Chapter 9 of the General and Special Laws of the Regular Session of the Forty-first Legislature, relating to criminal district attorneys and assistants in certain counties and other matters incidental to said subject, so as to provide that said Chapter 9 shall not apply to any county in this State having two or more incorporated cities each having a population of more than 20,000 according to the latest United States census; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Thomason:

S. B. No. 55, A bill to be entitled "An Act to authorize the Board of Control by and with the consent of the Governor, to select and set aside so much of the lands of the Texas penitentiary at Rusk, Texas, as may be requisite and necessary for the use of Rusk State Hospital, and to authorize the Board of Control by and with the consent of the Governor to sell and dispose of any of the remainder of the lands situated in Cherokee County and formerly belonging to the Texas Penitentiary System, and to authorize the Board of Control by and with the consent of the Governor to lease any and all of said lands owned by the State in Cherokee County for the purpose of prospecting for oil, gas and other minerals; repealing all laws and parts of laws in conflict with this Act; and declaring an emergency."

Read first time and referred to Committee on Public Lands and Land Office.

By Senator Patton:

S. B. No. 56, A bill to be entitled "An Act authorizing the Banking Commissioner of Texas to refund to banks amounts of money due them as refunds by reason of such banks having converted or withdrawn from the Guaranty Fund System prior to the repeal of the Guaranty Fund Law, etc., and declaring an emergency."

Read first time and referred to Committee on Banks and Banking.

By Senator Westbrook:

S. B. No. 57, A bill to be entitled "An Act amending Art. 2889a, relating to school teachers and teacher's certificates, so as to better provide for and regulate teacher's certificates; and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Westbrook:

S. B. No. 58, A bill to be entitled "An Act to amend Art. 4310 of the Revised Civil Statutes of 1925, regulating the compensation of guardians, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Westbrook:

S. B. No. 59, A bill to be entitled "An Act to amend Art. 3689 of the Revised Civil Statutes of 1925, regulating the compensation of executors, administrators and testamentary trustees, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Pollard:

S. B. No. 60, A bill to be entitled "An Act exempting from taxation public property used for public purposes; etc., and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Parrish:

S. B. No. 61, A bill to be entitled "An Act providing a maximum amount of compensation, salary, fees and commissions which officers mentioned in any article of Chapter 1, of Title 61 of the Revised Civil Statutes of 1925 may retain; requiring the excess over such maximum to be paid over to the county; requiring such officers to account for all fees, commissions, salary or compensation in addition to those which they are now required to account for; enacting other provisions and regulations incidental to the subject of this Act; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Miller:

S. B. No. 62, A bill to be entitled

"An Act authorizing the Board of Regents of the College of Industrial Arts, to make contracts for the erection of dormitories; etc., and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Hornsby:

S. B. No. 63, A bill to be entitled "An Act amending Article 6954, Chapter 6, Title 121 of the Revised Civil Statutes of Texas, 1925, as amended in Chapter 5 of the Acts of the Regular Session of the Forty-first Legislature of Texas, with reference to the mode of preventing horses and certain other animals from running at large in the counties named so as to include in said Article the counties of Archer, Brooks, Goliad, Gray, Hutchison, Jeff Davis, Jim Hogg, Leon, Live Oak, Montgomery, Potter, Panola, San Jacinto, Shackelford, Terrell, Throckmorton, Uvalde, Walker, Webb, Zapata, and Zavala, and declaring an emergency."

Read first time and referred to Committee on Stock and Stock Raising.

By Senator Hornsby:

S. B. No. 64, A bill to be entitled "An Act to better assure and protect the membership and subordinate lodges of Fraternal Benefit Societies against the local lodges and to provide a legal way whereby same may be done when it is desired to change such society into a mutual or stock company; etc., and declaring an emergency."

Read first time and referred to Committee on Insurance.

Senators Excused.

On motion of Senator Love, Senator Williamson was excused for the rest of the week on account of important business.

On motion of Senator Hornsby, Senator Parr was excused for today and tomorrow on account of important business.

On motion of Senator Hyer, Senator Woodward was excused for today and tomorrow on account of important business.

Senate Bill No. 1.

Senator Hyer called up from the table the following bill:

By Senator Hyer:

S. B. No. 1, A bill to be entitled "An Act to provide for a system of pardons and paroles, to create a board to investigate and recommend to the Governor prisoners who should be pardoned or released on parole or on furlough, to provide for the supervision of prisoners released on parole, and making an appropriation to pay the salaries and defray the expenses of the board and its employees, etc., and declaring an emergency."

The bill was read second time.

Senator McFarlane sent up the following amendment:

Amend S. B. No. 1, Section 8, by striking out the words "the minimum sentence" in line 11 of said section and insert in lieu thereof the following: "one-third of the maximum term for which sentence was" McFARLANE.

The amendment was read and adopted by the following vote:

Yeas—16.

Beck.	Hyer.
Berkeley.	Love.
Cousins.	McFarlane.
Gainer.	Moore.
Greer.	Parrish.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Woodul.

Nays—6.

Cunningham.	Miller.
DeBerry.	Wirtz.
Martin.	Witt.

Absent.

Neal.	Thomason.
Patton.	Westbrook.
Pollard.	Woodward.

Absent—Excused.

Parr.	Williamson.
Russek.	

Senator Love moved to reconsider the vote by which the amendment was adopted.

The motion prevailed by the following vote:

Yeas—14.

Berkeley.	Cunningham.
Cousins.	DeBerry.

Gainer.
Greer.
Holbrook.
Hyer.
Love.

Miller.
Stevenson.
Westbrook.
Wirtz.
Witt.

Nays—6.

Hornsby.	Patton.
McFarlane.	Small.
Parrish.	Woodul.

Present—Not voting.

Neal.

Absent.

Parr.	Williamson.
Russek.	Woodward.

Absent—Excused.

Beck.	Moore.
Hardin.	Pollard.
Martin.	Thomason.

Message From the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following message:

May 2, 1929.

To the Honorable Senate of the State of Texas, Capitol:

Gentlemen:

Subject to your confirmation I have appointed Mr. E. H. Austin, of Brazos County to be a member of the Board of Prison Directors.

Very truly yours,

(Signed) DAN MOODY,
Governor.

Read and referred to Committee on Governor's Nominations.

Executive Session.

At 11:00 o'clock a. m., the Chair announced that the hour for the executive session to consider nominations by the Governor had arrived. The Chamber was cleared and the doors were locked.

After Executive Session.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the following action had been taken:

Committee Room,

Austin, Texas, April 29, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Gov-

ernor's Nominations, to whom was referred nominations made by Governor Dan Moody, having had the same under consideration, beg leave to make the following report:

We report the attached names for Notary Commissions to the Senate, with the recommendation that they be confirmed.

Respectfully submitted,
WILLIAMSON, Chairman.

The committee report was read and adopted. (See immediately following last day's Journal.)

Senate Bill No. 1.

The question recurred upon the adoption of the amendment to S. B. No. 1. The amendment was lost.

Senator Hyer sent up the following amendments:

To amend Senate Bill No. 1, Section 21, by adding the word "and" after "good behavior," and before the word "for."

HYER.

The amendment was read and adopted.

To amend Senate Bill No. 1, Section 12, by adding the following after the word "sentence": "Or to such other point within the State which the Board may designate."

HYER.

The amendment was read and adopted.

The bill as amended passed to engrossment.

On motion of Senator Hyer, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 1 was put on its third reading and final passage, by the following vote:

Yeas—20.

Berkeley.	Martin.
Cunningham.	Miller.
DeBerry.	Neal.
Gainer.	Patton.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Wirtz.
Hyer.	Witt.
Love.	Woodul.

Nays—2.

McFarlane.	Parrish.
	Absent.
Beck.	Pollard.
Cousins.	Small.
Moore.	

Absent—Excused.

Parr.	Williamson.
Russek.	Woodward.

Read third time and finally passed by the following vote:

Yeas—23.

Berkeley.	Miller.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Wirtz.
Hyer.	Witt.
Love.	Woodul.
Martin.	

Nays—1.

McFarlane.

Absent.

Beck.	Pollard.
Moore.	

Absent—Excused.

Parr.	Williamson.
Russek.	Woodward.

Senate Bill No. 8.

Senator Wirtz received unanimous consent to take up the following bill:

By Senator Wirtz:

S. B. No. 8, A bill to be entitled "An Act amending Chapter 156 of the Acts of the Regular Session of the Fortieth Legislature of the State of Texas of 1927, relating to Administrative Judicial Districts, by adding thereto sections to be numbered Sections 10A, 10B, and 10C, etc., and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Wirtz, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 8 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	DeBerry.
Berkeley.	Gainer.
Cousins.	Greer.
Cunningham.	Hardin.

Holbrook.	Pollard.
Hornsby.	Small.
Hyer.	Stevenson.
Love.	Thomason.
Martin.	Westbrook.
McFarlane.	Williamson.
Miller.	Wirtz.
Neal.	Witt.
Parrish.	Woodul.
Patton.	

Absent.

Moore.

Absent—Excused.

Parr.

Woodward.

Russek.

Read third time and finally passed
by the following vote:

Yeas—26.

Beck.	McFarlane.
Berkeley.	Miller.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.

Absent.

Moore.

Absent—Excused.

Parr.

Williamson.

Russek.

Woodward.

Senate Bill No. 24.

The Chair laid before the Senate
the following bill:

By Senator Holbrook:

S. B. No. 24, A bill to be entitled
"An Act to create Brazoria County
Drainage District Number Three (3)
in Brazoria County, Texas, etc., and
declaring an emergency."

The rule requiring committee re-
ports to lie over one day was sus-
pended by unanimous consent.

The committee report was adopted.

The bill was read second time and
passed to engrossment.

On motion of Senator Holbrook,
the constitutional rule requiring bills
to be read on three several days was
suspended and S. B. No. 24 was put
on its third reading and final pas-
sage, by the following vote:

Yeas—27.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	

Absent.

Parr.

Williamson.

Russek.

Woodward.

Read third time and finally passed
by the following vote:

Yeas—27.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	

Absent—Excused.

Parr.

Williamson.

Russek.

Woodward.

Senate Bill No. 25.

The Chair laid before the Senate
the following bill.

By Senator Holbrook:

S. B. No. 25. A bill to be entitled
"An Act to create Brazoria County
Drainage District Number Four (4)
in Brazoria County, Texas, etc., and
declaring an emergency."

The rule requiring committee re-
ports to lie over one day was sus-
pended by unanimous consent.

The committee report was adopted.

The bill was read second time and
passed to engrossment.

On motion of Senator Holbrook,
the constitutional rule requiring bills
to be read on three several days was

suspended and S. B. No. 26 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	

Absent—Excused.

Parr.	Williamson.
Russek.	Woodward.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Williamson.
Hornsby.	Westbrook.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	

Absent—Excused.

Parr.	Williamson.
Russek.	Woodward.

Senate Bill No. 26.

The Chair laid before the Senate the following bill:

By Senator Holbrook:

S. B. No. 26, A bill to be entitled "An Act to create Brazoria County Drainage District Number Nine (9) in Brazoria County, Texas, etc., and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook,

the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 26 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	

Absent—Excused.

Parr.	Williamson.
Russek.	Woodward.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	

Absent—Excused.

Parr.	Williamson.
Russek.	Woodward.

Senate Bill No. 35.

The Chair laid before the Senate the following bill:

By Senator Berkeley:

S. B. No. 35, A bill to be entitled "An Act to provide for the creation of a common school district embracing an entire county having a scholastic population of more than four hundred and less than six hundred, etc., and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended by unanimous consent.

The committee report was adopted.
The bill was read second time and passed to engrossment.

On motion of Senator Berkeley, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 35 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	

Absent—Excused.

Parr.	Williamson.
Russek.	Woodward.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	

Absent—Excused.

Parr.	Williamson.
Russek.	Woodward.

Communication From the Attorney General

Senator Love received unanimous consent to have printed in the Journal a communication from the Attorney General.

(See Appendix.)

Adjournment.

On motion of Senator Wirtz, the

Senate, at 11:55 o'clock a. m., adjourned until 10:00 o'clock Friday morning.

APPENDIX.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, May 2, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 18 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, May 1, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 26, A bill to be entitled "An Act to create Brazoria County Drainage District Number Nine (9) in Brazoria County, Texas; defining its boundaries, validating and approving all orders made by the commissioners' court of Brazoria County in respect to the original organization and creation of said district as a drainage district under Article 3, Section 52, of the Constitution, etc., and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with recommendation that it do pass, and be not printed.

STEVENSON, Chairman.

Committee Room,
Austin, Texas, May 1, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 24, A bill to be entitled "An Act to create Brazoria County Drainage District Number Three (3) in Brazoria County, Texas, defining its boundaries, validating and approving all orders made by the commissioners' court of Brazoria County in respect to the original organization and creation of said district as a Drainage District under Article 3,

Section 52 of the Constitution; etc., etc., and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

STEVENSON, Chairman.

Committee Room,

Austin, Texas, May 1, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 25, A bill to be entitled "An Act to create Brazoria County Drainage District Number Four (4) in Brazoria County, Texas, defining its boundaries, validating and approving all orders made by the commissioners' court of Brazoria County in respect to the original organization and creation of said district as a Drainage District under Article 3, Section 52 of the Constitution; etc., etc., and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

STEVENSON, Chairman.

Committee Room,

Austin, Texas, May 1, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising to whom was referred

S. B. No. 21, A bill to be entitled "An Act to provide for the eradication of contagious, infectious and communicable diseases among cattle, horses, mules, asses, sheep, goats, hogs, and other live stock, domestic animals and domestic fowls; also other diseases; providing for the establishment of quarantines by the Live Stock Sanitary Commission, providing penalties, for violation of said quarantine, and penalties for other violations of provisions of this Act; providing for the testing of cattle for tuberculosis and branding cattle that show a positive reaction to the tuberculin test; providing for the appointment of the Live Stock Sanitary Commission of a Chief Veterinarian and Assistant Veterinar-

ians and other persons necessary for carrying out and enforcing the provisions of this Act; providing for the adoption by the Live Stock Sanitary Commission of rules and regulations, etc."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass,

PARR, Chairman.

Committee Room,

Austin, Texas, May 1, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

S. B. No. 27, A bill to be entitled "An Act to provide for the eradication in the State of Texas of the fever-carrying tick, *Margaropus Annulatus*, and making it the duty of the inspectors of the Live Stock Sanitary Commission to supervise the dipping of cattle, horses, mules, jacks, and jennets for the eradication of said fever-carrying tick, *Margaropus Annulatus*, from said live stock and from the premises, lands, territory, counties and parts of counties in the State of Texas, and for the removal of exposure to said fever-carrying tick, *Margaropus Annulatus*, and authorizing and requiring said Commission to establish necessary quarantines for the purpose of controlling and restricting the movement of said live stock and for the purpose of preventing the spread of said infection and exposure to said fever-carrying tick, etc."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment.

PARR, Chairman.

Committee Amendment.

Amend S. B. No. 27 by inserting in the 6th line on page 3 of the typewritten bill, just after the word "purpose" and before the word "whenever" the following: "Provided, however, that tick eradication work shall not be commenced or carried on in any county until the commissioners' court of said county has first made application to the

Livestock Sanitary Commission therefor."

Committee Room,
Austin, Texas, May 2, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 31, A bill to be entitled "An Act to correct the official spelling of the name of the county of Zavalla, Texas."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it being a local bill that it be not printed.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, May 1, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, Your Committee on Educational Affairs, to whom was referred

S. B. No. 10, A bill to be entitled "An Act to amend Chapter 181 of the General Laws of the Fortieth Legislature of the State of Texas (Regular Session), providing for the classification of elementary and high schools by the county board of school trustees; providing for free tuition for certain high school students; repealing Article 2678, Revised Statutes, 1925, and all other laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room,
Austin, Texas, May 1, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 14, A bill to be entitled "An Act to amend Article 2892, R. S. 1925, fixing the age and extending the term for compulsory school attendance; and declaring an emergency."

Have had the same under consideration, and I am instructed to re-

port same back to the Senate with the recommendation that it do pass.
NEAL, Chairman.

Committee Room,
Austin, Texas, May 1, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 35, A bill to be entitled "An Act to provide for the creation of a Common School District embracing an entire county having a scholastic population of more than four hundred and less than six hundred, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,
Austin, Texas, May 1, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred,

S. B. No. 15, A bill to be entitled, "An Act to amend Article 2700 of the Revised Civil Statutes of 1925, relating to the salaries of County Superintendents, and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, May 1, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred,

S. B. No. 13, A bill to be entitled, "An Act relating to the State Board of Education; providing for the appointment of the members of said Board, prescribing their qualifications, terms of service and duties; authorizing them to appoint a State Commissioner of Education and upon his recommendation and nomination to set up a State Department of Education and appoint its staff; and in

general authorize said Board to assume and discharge the duties assigned by law to the State Board of Education and the State Superintendent of Public Instruction, providing for an appropriation to pay the expenses of said Board; repealing all laws in conflict with this Act, and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, May 1, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on Educational Affairs to whom was referred,

S. B. No. 13, A bill to be entitled, "An Act relating to the State Board of Education; providing for the appointment of the members of said Board; prescribing their qualifications, terms of service and duties; authorizing them to appoint a State Commissioner of Education and upon his recommendation and nomination to set up a State Department of Education and appoint its staff; and, in general, authorizing said Board to assume and discharge the duties assigned by law to the State Board of Education and the State Superintendent of Public Instruction, providing for an appropriation to pay the expenses of said Board; repealing all laws in conflict with this Act; and declaring an emergency."

Have had same under consideration, and beg leave to differ with a majority of the Committee and report it back to the Senate with the recommendation that it do not pass.

McFARLANE,
PATTON,
PARR.

Committee Room,
Austin, Texas, May 1, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred,

S. B. No. 33, A bill to be entitled, "An Act to amend Article 2763, R. S. 1925, relating to the administration of the public schools in certain common school and independent

school districts; repealing all laws in conflict except those relating to area and rate of taxation, and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room,
Austin, Texas, May 1, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred,

S. C. R. No. 3, A resolution relative to vocational rehabilitation and placement of physically disabled persons.

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,
Austin, Texas, May 1, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred,

S. B. No. 43, A bill to be entitled, "An Act amending Article 819 of the Code of Criminal Procedure of 1925 so as to make provision for convicts out on bond pending appeal to voluntarily report to the penitentiary within five days after the receipt of the mandate by the Clerk from the Court of Criminal Appeals; providing for notice to the convict of the receipt of the mandate, and enacting other provisions necessary and incidental to said purpose; fixing the time when the service of sentence in the penitentiary shall begin to run; and declaring an emergency.

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MILLER, Chairman.

Committee Room,
Austin, Texas, May 1, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts to whom was referred,

S. B. No. 5, A bill to be entitled

"An Act amending Article 198, Title 8, of the Revised Civil Statutes of 1925 as amended by Chapter 255 of the General and Special Laws of the Regular Session, 40th Legislature, so as to create the 12th Supreme Judicial District of Texas, and creating a new Court of Civil Appeals, said District to be composed of the counties of Hunt, Fannin, Delta, Hopkins, Rains, Kaufman, Van Zandt, Rockwall and Dallas; providing for the appointment and qualifications of the Judges of said Court of Civil Appeals; providing for the terms and transfer of cases to the new Court of Civil Appeals herein created; regulating appeals and other proceedings originating in Dallas County, which is placed in both the 5th and 12th Supreme Judicial Districts; adjusting other districts in conformity with the creation of said 12th District; providing for quarters and library for said Court and its members; and declaring an emergency."

Have had same under consideration and I am instructed to report back to the Senate that same do pass and be printed in the Journal and not otherwise.

PATTON, Chairman.

S. B. No. 5.

A BILL

To Be Entitled

An Act amending Article 198, Title 8, of the Revised Civil Statutes of 1925 as amended by Chapter 255 of the General and Special Laws of the Regular Session, 40th Legislature so as to create the 12th Supreme Judicial District of Texas, and creating a new Court of Civil Appeals, said District to be composed of the counties of Hunt, Fannin, Delta, Hopkins, Rains, Kaufman, Van Zandt, Rockwall and Dallas; providing for the appointment and qualifications of the Judges of said Court of Civil Appeals; providing for terms and transfer of cases to the new Court of Civil Appeals herein created; regulating appeals and other proceedings originating in Dallas County which is placed in both the Fifth and Twelfth Supreme Judicial Districts; adjusting other districts in conformity with the creation of said Twelfth District; providing for quarters and library for said

Court and its members; and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 198 of the Revised Civil Statutes of 1925 as amended by Chapter 255 of the General and Special Laws of the Regular Session of the Fortieth Legislature, is hereby amended so as to read as follows:

Art. 198. This State shall be divided into twelve Supreme Judicial Districts, composed of the following named counties for the purpose of constituting and organizing a Court of Civil Appeals in each of the several Supreme Judicial Districts as follows, to-wit:

First: Trinity, Walker, Grimes, Burleson, Washington, Waller, Harris, Chambers, Austin, Colorado, Lavaca, DeWitt, Jackson, Matagorda, Wharton, Brazoria, Fort Bend, Galveston, Anderson, Houston.

Second: Wichita, Clay, Montague, Wise, Tarrant, Cooke, Denton, Parker, Archer, Young, Jack.

Third: Milam, Lee, Bastrop, Caldwell, Hays, Travis, Williamson, Bell, Burnet, Blanco, Llano, San Saba, Lampasas, Mills, McCulloch, Brown, Coleman, Runnels, Tom Green, Concho, Comal, Fayette, Coke, Sterling, Irion, Schleicher.

Fourth: Val Verde, Guadalupe, Sutton, Edwards, Kinney, Maverick, Menard, Kimble, Kerr, Bandera, Uvalde, Zavalla, Dimmit, Webb, LaSalle, Frio, Medina, Duval, McMullen, Atascosa, Bexar, Kendall, Wilson, Live Oak, Zapata, Bee, Karnes, Victoria, Goliad, Hidalgo, Cameron, Starr, Jim Hogg, Real, Brooks, Jim Wells, Kleberg, Kenedy, Willacy, Gillespie, Mason, Gonzales, Calhoun, Refugio, San Patricio, Aransas, Nueces.

Fifth: Grayson, Collin, Dallas, Henderson, Ellis.

Sixth: Lamar, Red River, Bowie, Franklin, Titus, Morris, Cass, Upshur, Marion, Harrison, Gregg, Cherokee, Rusk, Panola, Camp, Wood, Smith.

Seventh: Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Oldham, Potter, Carson, Gray, Wheeler, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Parmer, Castro, Swisher, Briscoe, Hall, Childress, Bailey,

Lamb, Hale, Floyd, Motley, Cottle, Foard, Hardeman, Wilbarger, Crosby, Lubbock, Hockley, Cochran, Yoakum, Terry, Lynn, Garza, Dickens, Kent, King.

Eighth: Dawson, Borden, Howard, Crockett, Gaines, Andrews, Martin, Loving, Winkler, Midland, Glasscock, Reeves, Ward, Crane, Upton, Reagan, Terrell, Pecos, Brewster, Presidio, Jeff Davis, El Paso, Ector, Culberson, Hudspeth.

Ninth: Shelby, Nacogdoches, Angelina, San Jacinto, Montgomery, Liberty, Jefferson, Orange, Hardin, Newton, Jasper, Tyler, Polk, Sabine, San Augustine.

Tenth: McLennan, Freestone, Coryell, Hamilton, Bosque, Navarro, Johnson, Somervell, Hood, Lime-stone, Hill, Brazos, Leon, Madison, Robertson.

Eleventh: Mitchell, Scurry, Nolan, Fisher, Stonewall, Taylor, Jones, Haskell, Knox, Callahan, Shackelford, Throckmorton, Baylor, Comanche, Eastland, Stephens, Erath, Palo Pinto.

Twelfth: Hunt, Fannin, Delta, Hopkins, Rains, Kaufman, Van Zandt, Rockwall, Dallas.

Sec. 2. Within thirty days after the passage of this Act the Governor shall appoint one chief justice and two associate justices for the Twelfth Supreme Judicial District, who shall reside in the territorial limits of said District, who shall possess the qualifications now required by law, who shall constitute a Court of Civil Appeals within and for the Twelfth Supreme Judicial District and who shall hold their offices until the next general election in 1930, and who shall thereafter be elected and qualified as provided and required by the laws of this State in reference to Courts of Civil Appeals.

Sec. 3. The Court of Civil Appeals for the Twelfth Supreme Judicial District shall hold its sessions in the City of Greenville, in the County of Hunt, and its terms shall be governed by the law governing and relating to terms of other Courts of Civil Appeals in this State; provided, however, that said Court may commence its first session immediately upon appointment and qualification of the judges thereof and the organizing of the Court.

Sec. 4. Immediately upon the appointment of the Judges herein pro-

vided, it shall be the duty of the Clerk of the Court of Civil Appeals now in possession of the papers in any case appealed from any county included in the Twelfth Supreme Judicial District as herein created to immediately transfer such case to the new court at Greenville, Hunt County, Texas.

Sec. 5. All cases and proceedings originating in Dallas County appealed or otherwise taken to the Court of Civil Appeals during the months of January, February, March, April, May and June of each year shall be filed in the Court of Civil Appeals for the Fifth Supreme Judicial District, and those appealed or otherwise taken to the Court of Civil Appeals during the remaining months of each year shall be filed in the Court of Civil Appeals for the Twelfth Supreme Judicial District. Provided that all proceedings which are ancillary to any case or proceeding in either of said Courts of Civil Appeals shall be filed in the court where the main case or proceeding is pending. In cases or proceedings pending in any court in Dallas County where an appeal or writ of error is allowed by law the appellant or plaintiff in error in giving notice of appeal or filing application for writ of error during the months of January, February, March, April, May, and June of each year shall give notice of appeal or file such application for writ of error to the Court of Civil Appeals for the Fifth Supreme Judicial District, and in giving such notice or filing such applications for writ of error during the remaining months of each year to the Court of Civil Appeals for the Twelfth Supreme Judicial District. If no court is named in such notice of appeal or other proceeding and in cases or proceedings wherein the court is erroneously named then it shall be conclusively deemed to include the Court which should have been named as hereinbefore provided, and such cases or other proceedings shall be filed in the Court to which notice of appeal or application for writ of error should be given or filed as provided by this Act, provided that should any such case or proceeding be filed in the wrong Court of Civil Appeals the court in which they are so filed,

shall, acting alone without the concurrence or approval of the other court, have the jurisdiction and power to transfer same to the Court of Civil Appeals in which same should have been originally filed, and upon being so transferred the latter court shall acquire jurisdiction thereof, the same as if originally filed in said court at the time they were filed in such other court.

Sec. 6. Provided that the Commissioners' court of Hunt County shall furnish, provide and equip a suitable room or rooms and a library for said court and the members thereof, without cost to the State.

Sec. 7. The fact that the Courts of the State are crowded, that within the past six months 167 more cases have been appealed to the Courts of Civil Appeals, than were appealed in the previous six months, that the Fifth Court of Civil Appeals transferred 152 cases to other Courts of Civil Appeals in the past twelve months, that litigants are placed at great expense in having their cases postponed from time to time, and that there is great need for an additional Court of Civil Appeals to relieve the crowded and congested condition of the existing Court, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and that this Act shall take effect and be in force from and after its passage, and said rule is hereby suspended, and it is so enacted.

Committee Room,
Austin, Texas, May 2, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 9, A bill to be entitled "An Act validating the sale of real estate by executors, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but in lieu thereof that committee substitute for S. B. No. 9 do pass and be printed in the Journal.

SMALL, Vice-Chairman.

C. S. S. B. No. 9.

A Bill

To Be Entitled

An Act validating all acts and proceedings of executors, administrators and guardians heretofore performed or had pursuant to notice, citation or process of any kind whether the same was published or posted; validating any and all probate acts and proceedings heretofore performed or had pursuant to notice, citation or process of any kind whether the same was published or posted; also validating any and all acts and proceedings of officers and agents in any probate proceedings heretofore had or performed pursuant to notice, citation or process of any kind whether the same was published or posted; and validating the sale of real estate by Executors and Administrators when citation was published as provided in chapter 179, Acts Regular Session, 1917, being now Article 28, of the Revised Civil Statutes of Texas, 1925, and where such citation was not posted as provided in Article 3568 of the Revised Civil Statutes of Texas, 1925, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Any and all Acts or proceedings of executors, administrators and guardians heretofore performed or had pursuant to notice, citation or process of any kind are each and all hereby validated whether such notice, citation or process was published or posted. Any and all probate acts or proceedings of any kind heretofore performed or had by any probate court or by its officers or agents pursuant to notice, citation or process of any kind are each and all hereby validated, whether such notice, citation or process was published or posted. Any and all such acts and proceedings are hereby validated even though the notice, citation or process was published when the law required the same to be posted, and any and all such acts and proceedings are hereby validated even though the notice, citation or process was posted when

the law required the same to be published.

Sec. 2. In all cases where Executors or Administrators have sold land or any interest therein under the orders of the probate courts of the several counties of this State, after citation was published as provided in Chapter 179, Acts, Regular Session, 1917, being now Article 28 of the Revised Civil Statutes of Texas, 1925, and without service of citation or notice by posting as provided in Article 3568, Revised Civil Statutes of Texas, 1925, such service of citation and the sale of said land or such interest therein by any Probate Court in this State, are hereby validated and any such sale heretofore made, whether such administration is now pending or had been closed, is held to be a legal sale and the Order approving such sale made on an application and after notice published as provided in said Chapter 179, Acts Regular Session, 1917, being now Article 28, of the Revised Civil Statutes of Texas, 1925, are hereby declared to be legal sales and valid for all purposes.

Sec. 3. The fact that confusion has arisen on account of the doubtful construction and meaning of the statutes in reference to posting and publishing notices in connection with matters mentioned in this Act, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

By Senator Witt.

S. B. No. 9.

A BILL

To Be Entitled

An Act validating the sale of real estate by Executors and Administrators when citation was published as provided in chapter 179, Acts, Regular Session, 1917, being now Article 28, of the Revised Civil Statutes of Texas, 1925, and where such citation was not posted as provided in Article 3568 of the Revised Civil Statutes of Texas, 1925; and declaring an emergency

Be it enacted by the Legislature of the State of Texas:

Section 1. In all cases where Executors or Administrators have sold

land or any interest therein under the Orders of the Probate Courts of the several Counties of this State after citation was published as provided in Chapter 179, Acts, Regular Session, 1917, being now Article 28 of the Revised Civil Statutes of Texas, 1925, and without service of citation or notice by posting as provided in Article 3568, Revised Civil Statutes of Texas, 1925, such service of citation and the sale of said land or such interest therein by any Probate Court in this State, are hereby validated and any such sale heretofore made, whether such administration is now pending or has been closed, is held to be a legal sale and the Order approving such sale made on an application and after notice published as provided in said Chapter 179, Acts, Regular Session, 1917, being now Article 28, of the Revised Civil Statutes of Texas, 1925, are hereby declared to be legal sales and valid for all purposes.

Sec. 2. The fact that many sales of real estate have been made by Executors and Administrators and approved by the Probate Court of this State, where notice of application for such sale has been published in some newspaper provided in Chapter 179, Acts, Regular Session, 1917, being now Article 28, Revised Civil Statutes of Texas, 1925, and without notice or citation being posted as required by Article 3568 of the Revised Civil Statutes of Texas, 1925, creates an emergency and an imperative public necessity for suspending the constitutional rule requiring bills to be read on three several days, and the same is hereby suspended, and that this Act shall take effect from and after its passage and it is so enacted.

Committee Room,

Austin, Texas, May 2, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 11, A bill to be entitled "An Act fixing the compensation of District Attorneys in district of three or more counties and prescribing how the same shall be paid; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and

that it be printed in the Journal but not otherwise.

WIRTZ, Chairman.

By Small.

S. B. No. 11.

A BILL

To Be Entitled

An Act fixing the compensation of District Attorneys in districts of three or more counties and prescribing how the same shall be paid; and declaring an emergency. Be it enacted by the Legislature of the State of Texas:

Section 1. The District Attorney of each Judicial District composed of three or more counties in this State shall receive a salary of \$4,000.00 per year payable monthly in twelve equal monthly installments. Said salary shall be in lieu of all other per diem or other compensation now provided by law for said District Attorneys. Said salary shall be paid by the State upon warrants drawn by the Comptroller of Public Accounts.

Sec. 2. The fact that it is for the best interest of the State that salaries of District Attorneys in said Districts shall be as provided in this Act; creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and that this Act shall take effect and be in force from and after its passage and said rule is hereby suspended and it is so enacted.

Committee Room,

Austin, Texas, May 1, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 16, A bill to be entitled "An Act to amend Article 5053, R. S. 1925, relating to discrimination and other practices in connection with the sale of life insurance policies so as to better regulate the sale of stock, bonds and other securities in connection with life insurance policies, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate that same do pass and be printed in the Journal and not otherwise.

MOORE, Chairman.

By Witt, Moore

S. B. No. 16

A BILL

To Be Entitled

An Act to amend Article 5053, R. S.

1925, relating to discrimination and other practices in connection with the sale of life insurance policies so as to better regulate the sale of stock, bonds and other securities in connection with life insurance policies, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 5053 of the Revised Civil Statutes of the State of Texas of 1925 be and the same is hereby amended so as to hereafter read as follows:

"Article 5053. No insurance company of any kind doing business in this State shall make or permit any distinction or discrimination in favor of individuals between the insured of the same class and of equal expectation of life in the amount of, or payment of, premiums or rates charged for policies of life or endowment insurance, or in the dividends or other benefits thereon; nor shall any such company or agent thereof make any contracts of insurance or agreement as to such contracts other than as expressed in the policy issued thereon; nor shall any such company, or any officer, agent, solicitor, or representative thereof, pay, allow, or give, or offer to pay, allow or give, directly or indirectly, as an inducement to insurance, any rebate or premiums payable on the policy, or any special favor or advantage in the dividends or other benefits to accrue thereon, or any paid employment or contract for service of any kind, or anything of value whatsoever, or any valuable consideration or inducement whatever not specified in the policy or contract of insurance; nor shall any such company, or any officer, agent, solicitor, or other representative thereof, give, sell or purchase, or offer to give, sell or purchase, as an inducement to insurance, or in connection with any policy of insurance, or in connection with the sale thereof; any stocks, bonds or other securities of the company writing the insurance or of any other insurance company, or of any other corporation, association or partnership, then organized or thereafter to be organized or any dividends or profits to accrue thereon; nor shall any such company issue any policy containing any special or board contract or similar provision, by the terms of which said pol-

icy will share or participate in any special fund derived from a tax or a charge against any portion of the premium on any other policy. Any company or any officer or agent thereof violating the provisions of this article shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than one hundred nor more than five hundred dollars, and the said company shall, as an additional penalty, forfeit its certificate of authority to do business in this State and the said agent shall, as an additional penalty, forfeit his license to do business in this State for one year. The company shall not be held liable under this article for any unauthorized act of its agent, unless the company shall acquiesce in such action.

Sec. 2. In view of the fact that the present statutes may be sufficient to authorize the sale of stock in connection with policies of insurance, when such sale is specifically mentioned in the policy of insurance, and in view of the further fact that certain companies in Texas have heretofore, in good faith, engaged in, and certain other companies are at the present time in good faith in the process of organization to be engaged in the practice of selling stock with policies of life insurance, it is therefore, enacted that companies that have on or before March 1st, 1929, filed with the Commissioner of Insurance of this State the forms and data required of foreign and domestic companies to secure a permit to do business in the State of Texas, and which have secured or hereafter shall secure the issuance of such permit, be, and they are hereby excepted from the provisions of this article in so far as it prohibits the sale of stock in connection with policies of life insurance, until December 31st, 1930, provided that the policies so issued shall clearly state the stock to be received and the conditions under which it is to be issued.

Sec. 3. The fact that there is now no law regulating or prohibiting the giving or selling of stocks in connection with policies of life insurance, and a necessity exists for a law prohibiting the practice of inducing the taking of insurance through offers of sale of stock in corporations, creates an emergency and an imperative public necessity that the constitutional rule requir-

ing bills to be read on three several days in each House shall be suspended, said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, May 1, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 34, A bill to be entitled "An Act ratifying the Rio Grande Compact between the States of Colorado, New Mexico and Texas concerning the division of the waters of the Rio Grande above Fort Quitman; authorizing the appointment of a Commissioner to represent the State in the execution thereof; fixing his compensation, correcting error in appropriation included in Chapter 105, General Laws of the First Called Session of the Fortieth Legislature; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be printed in the Journal but not otherwise.

WIRTZ, Chairman.

By Berkeley.

S. B. No. 34.

A BILL

To Be Entitled

An Act ratifying the Rio Grande Compact between the States of Colorado, New Mexico and Texas concerning the division of the waters of the Rio Grande above Fort Quitman; authorizing the appointment of a Commissioner to represent the State in the execution thereof; fixing his compensation, correcting error in appropriation included in Chapter 105, General Laws of the First Called Session of the Fortieth Legislature; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the Rio Grande Compact, entered into and signed at Sante Fe, New Mexico, on the 12th day of February, A. D. 1929, between Delph E. Carpenter, Commissioner for the State of Colorado, Francis C. Wilson, Commissioner for the State of New Mexico, and T. H.

McGregor, Commissioner for the State of Texas, an original copy of which has been deposited in the office of the Secretary of State of Texas, be and the same is in all things ratified and confirmed.

Sec. 2. The Governor shall, with the advice and consent of the Senate, appoint a Commissioner who shall constitute the Texas member of the Committee provided for in said Compact, charged with the administration thereof. Such Commissioner shall hold office for two years, and until his successor is appointed and qualified. He shall take the oath of office prescribed by the Constitution, and in addition thereto shall take oath to faithfully discharge the duties incumbent upon him as such Commissioner. He shall receive, from time to time, such compensation as may be allowed him by the Legislature, and until otherwise provided by law, shall receive a salary of Two Hundred and Fifty (\$250.00) Dollars per month. He shall be allowed his actual expenses when traveling in the discharge of his duties, on his sworn account, showing such expenses in detail. In conjunction with the other members of such Committee, he may employ such engineering and clerical aid as may be authorized by the Legislature of Texas, but he shall incur no financial obligation on behalf of the State of Texas until the Legislature shall have provided and appropriated the money therefor.

Sec. 3. That the sum of Fifty-five Hundred (\$5,500.00) Dollars be and the same is hereby appropriated out of any funds in the State Treasury not otherwise appropriated to pay engineers, legal and other necessary expenses in compliance with S. B. No. 16, page 301, General Laws of the Thirty-ninth Legislature, Regular Session, erroneously described in item included in Chapter 105, page 483, General and Special Laws of the First Called Session of the Fortieth Legislature.

Sec. 4. The fact that a portion of this short Special Session of the Legislature has expired, and the important matters pending upon the Calendar, creates an emergency and an imperative public necessity that the constitutional rule requiring bills

to be read on three several days be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, May 1, 1929.

Hon Barry Miller, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 36, A bill to be entitled "An Act to regulate the business in insurance on what is known as the Lloyd's plan, amending all of Chapter 19, Title 78, Revised Statutes of Texas; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal but not otherwise.

MOORE, Chairman.

By Moore, Love. S. B. No. 36.

A BILL

To Be Entitled

An Act to regulate the business in insurance on what is known as the Lloyd's Plan, amending all of Chapter 19, Title 78, Revised Statutes of Texas; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Chapter 19, Title 78 of the Revised Statutes of Texas, 1925, and all of the Articles therein contained be and the same are hereby amended so as hereafter to read as follows, to-wit:

Article 5013. "Underwriters" defined. Individuals, partnerships or associations of individuals, hereby designated "underwriters," are authorized to make any insurance, except life insurance, on the Lloyd's Plan, by executing articles of agreement expressing their purpose so to do and complying with the requirements set forth in this Chapter.

Article 5014. "Attorney" defined. Policies of insurance may be executed by an attorney or by attorneys in fact or other representative, hereby designated "attorney" authorized by and acting for such

underwriters under power of attorney. The principal office of such attorney shall be maintained at such place as may be designated by the underwriters in their articles of agreement; provided that no license shall be issued to any attorney at Lloyd's to bind risks or insurance in Texas, or with citizens of Texas, or covering property in Texas, unless their attorneys in fact be residents of this State and maintain their office in this State, except as may be hereinafter specifically provided.

Article 5015. Application for license. The attorney shall file with the Board of Insurance Commissioners, a verified application for license setting forth and accompanied by:

(a) The name of the attorney and the title under which the business is to be conducted, which title shall contain the name Lloyd's and shall not be so similar to any name or title in use in this State as to be likely to confuse or deceive.

(b) The location of the principal office.

(c) The kinds of insurance to be affected, which kinds of insurance may be as follows:

1. Fire insurance, which term shall be construed to include tornado, hail, crop and floater insurance.

2. Automobile insurance, which term shall be construed to include fire, theft, transportation, property damage, collision liability and tornado insurance.

3. Liability insurance.

4. Marine insurance.

5. Accident and health insurance.

6. Burglary and plate glass insurance.

7. Fidelity and surety bonds insurance.

8. Any other kinds of insurance not above specified, the making of which is not otherwise unlawful in this State, except life insurance.

(d) A copy of each form of policy or contract by which such insurance is to be affected.

(e) A copy of the form of power of attorney by virtue of which the attorney is to act for and bind the several underwriters and a copy of the articles of agreement entered

into between the underwriters themselves and the attorney.

(f) The names and addresses of all underwriters, whose number shall not be less than ten.

(g) A financial statement showing in detail the assets contributed or accumulated in the hands of the attorney in fact, committee of underwriters, trustees and/or other officers of such underwriters at Lloyd's, together with the liabilities incurred and outstanding and the income received and disbursements made by the attorney for the underwriters.

(h) An instrument executed by each and all of the underwriters specially empowering the attorney to accept services of process for each underwriter in any action on any policy or contract of insurance and an instrument from the attorney to such Board delegating the Attorney's powers in this respect to such Board.

Article 5016. License. Upon compliance with the requirements of this Chapter and upon a showing of net assets as provided in the succeeding article the Board of Insurance Commissioners shall, upon payment of fee of ten dollars, issue a license to any attorney applying therefor specifying the kind or kinds of insurance which he is authorized to make and containing the name of the attorney, the location of his principal office, and the title under which such business is to be conducted. Such license shall continue in force until the first day of March succeeding, at which time it may be renewed for the period of another year by the Board if and when said Board shall be satisfied from a report filed by such underwriters at Lloyd's showing that the provisions of the law applicable thereto have been complied with, and that such underwriters are entitled to a renewal of such license. Such license shall be renewed from year to year thereafter on the same conditions.

Article 5017. Assets. No attorney shall be licensed for the underwriters at a Lloyd's under this chapter unless the net assets, including the guaranty fund contributed to the attorney, a committee of underwriters, trustees or other officers as provided for in the articles of agree-

ment, shall be at least Sixty Thousand Dollars in cash, or convertible, admissible securities; nor shall any attorney be licensed for any underwriters at a Lloyd's to transact more than one kind of business as defined in the third article of this chapter, unless the net assets, as they are herein defined belonging to such underwriters at Lloyd's, shall be as much as Ten Thousand Dollars additional for each additional kind of insurance designated in the application for license.

Article 5017a. Limitation of business. The underwriters at a Lloyd's shall not assume nor write insurance obligations in Texas nor for citizens of Texas, nor covering property located in Texas which produce a net premium income in excess of ten times the net assets of such underwriters, and if at any time the liabilities assumed upon such insurance shall produce a net premium income greater than ten times such net assets, then no further insurance obligation shall be assumed until the net assets have been increased so as to admit of additional insurance obligations which will produce a premium income not greater than ten times such net asset; provided that when the net assets at a Lloyd's shall equal the sum of money which will be required of a stock insurance company doing the same characters of business in Texas, then his limitation upon the volume of business to be written shall not apply further; provided further that if in the judgment and discretion of the Board of Insurance Commissioners such underwriters at a Lloyd's shall have effected reinsurance, or other contracts, with responsible and solvent insurance carriers reducing the net lines at risk carried by such underwriters at a Lloyd's so that their operations are safe and their solvency not in danger, then such Board may renew or extend the licenses of such underwriters, irrespective of this limitation.

Article 5017b. Solvency. In determining the solvency and arriving at the amount of net assets on hand belonging to underwriters at a Lloyd's for the purpose of this chapter, there shall be considered all the funds contributed to the Guaranty Fund by the underwriters and the funds accumulated during the

progress of the business and held for such underwriters by the attorney in fact, trustees or other officers. Underwriters at a Lloyd's shall be deemed solvent when the net assets on hand shall meet the requirements of this chapter after deducting from its gross assets all outstanding liabilities, including reserve liabilities, and when the contributed guaranty fund at least to the minimum required herein shall be unimpaired.

Article 5017c. Reserves. Underwriters at a Lloyd's are required to compute reserve liabilities for all outstanding business and for all incurred losses upon the same basis required for stock insurance companies doing the same classes and character of business in Texas.

Article 5017d. Investments. The assets of underwriters at a Lloyd's shall be invested in such property and securities as the capital and/or surplus of a stock insurance company doing the same sort of business may be invested in, except real estate, or they may be held in cash.

Provided, however, that no Lloyd's already organized and doing business under license from the Department of Insurance shall be required to conform to this requirement except as to securities hereafter acquired whether in substitution for securities now held or from additional, successor or substitute underwriters, provided further, at least the minimum requirement for the guaranty fund shall be invested in securities admissible under this Act.

Article 5017e. Control of Net Assets. The assets of underwriters at a Lloyd's to the extent of the minimum required under the provisions of this Chapter shall be submitted to and subjected to the joint control of the attorney in fact for such underwriters, and the Board of Insurance Commissioners, in some manner satisfactory to the Board so that the same may not be withdrawn or diverted, or expended, except with the approval of the Board, and the purposes provided for in this chapter. Such underwriters, however, shall be entitled to the interest or income accruing from such property or securities as may be placed under the joint control of such attorney in fact and the Board as and when the same is payable.

Provided, however, in lieu of such joint control, any attorney in fact at a Lloyd's now doing business in this State may give bond in the sum of Twenty-five Thousand Dollars for the safe keeping of assets, to be released only on approval of the Board of Insurance Commissioners, and in such form and with co-operate surety as shall be approved by the Board of Insurance Commissioners.

Article 1518. Examination of Affairs. The Board of Insurance Commissioners is hereby required to make a biennial examination either in person or through a duly appointed examiner of the books and affairs of the attorney for underwriters at a Lloyd's, or of any attorney for such underwriters at a Lloyd's wherever such books may be kept and its affairs may be conducted. The expense of such examinations must be borne by the underwriters; and the attorneys and their deputies shall facilitate such examination and furnish all such information which the Commissioners may demand.

Article 5018a. Annual Reports. The attorneys for such underwriters shall annually file with the Commissioner of Insurance verified report of the business done by the attorney for such underwriters during the previous year, and of the condition of its affairs, together with such other information as the Board of Insurance Commissioners may demand; such report shall be filed upon blanks prepared by the Commissioners and shall cover the report of all the business of such underwriters, wherever the same may be conducted.

5018b. An underwriter at a Lloyd's may limit his total liability by contract with the persons insured to the proportionate part of the loss represented by the ratio which his subscription paid in, in cash and/or securities such as allowed by this law, bears to the total guaranty fund contributed by the several underwriters and his total liability on all risks may be limited to the amount of his subscription as expressed in his power of attorney and agreement with the attorney-in-fact, provided at least half of the subscription of each underwriter must be paid or contributed to the guar-

anty fund in cash and or admissible securities. Each underwriter shall be responsible solely for his own liability as fixed in the contract of Insurance and not be liable as a partner.

Article 5019. Liability of Substitutes. Additional or substituted underwriters shall be bound in the same manner and to the same extent as original subscribers to the articles of agreement and power of attorney on file with the Board; and the acts of the duly appointed deputy or substitute attorney of any attorney licensed under this chapter in accepting powers of attorney from underwriters and in making and issuing policies and contracts of insurance and in doing any additional acts incident thereto shall be deemed authorized by the license issued to the original attorney.

5019a. Division of Profits. No profits shall accrue to an underwriter, except upon the basis of his actual investment in cash or convertible securities, disregarding any obligation or subscription to pay in additional cash or securities at a later date.

Article 5020. Assuming Risk. No attorney for underwriters at a Lloyd's shall assume any one insurance risk exceeding one-tenth of the amount of the net assets of the underwriters as defined in this chapter and the additional liability assumed by the individual underwriters in the articles of agreement and in the policies or contracts of insurance, unless such excess shall be promptly reinsured.

Article 5021. Action on Policy. Action on any policy or contracts of insurance made by the attorney for the underwriters may be brought against the attorney or against the attorney and the underwriters or any of them. In such action, summons and process shall be served on either Commissioner of insurance or on the attorney-in-fact and when so served shall have the same force and effect as if served on the attorney and on each underwriter personally. A judgment in any such action against the attorney or against any of the underwriters shall be binding upon and be a judgment against each and all of the underwriters as their several liabilities may appear

in the contract of insurance on which the action is brought.

And such summons or other process shall be served in duplicate, and the Board of Insurance Commissioners shall forthwith by registered mail send one copy thereof to the attorney for the underwriters at the principal office designated in the application for license or latest amendment thereof. The party commencing any action against the underwriters at a Lloyd's and securing service of process in this manner shall at the time of such service pay to such Commissioner for the use of the Department a fee of two dollars, which he shall be entitled to collect as taxable costs in the action if he shall prevail.

Article 5022. Winding Up Affairs. Whenever it shall appear to the Board that the minimum assets provided for in Article 5017 have become impaired the Board shall immediately give notice to the attorney-in-fact for such Lloyd's to appear and show cause why the license of such attorney shall not be revoked, and if within thirty days from the giving of such notice the impairment or insolvency shall not be made good by such underwriters, or their attorney, such license shall immediately be cancelled. If such attorney or other person shall make any advancement to make good such impairment, the claim for such advancement against the assets of such underwriters shall be deferred to the claims for losses under policies or contracts of insurance. If such impairment is not made good within the time prescribed, then the Board shall proceed to take charge of the assets of such underwriters, and to effect a reinsurance of all business outstanding in Texas or covering property located in Texas, and for that purpose, the Board shall have the right to use the net assets, and to make provision for the payment of outstanding claims and losses. In case reinsurance cannot be effected by the said Board, then the affairs of such underwriters at Lloyd's shall be wound up through receivership proceedings instituted by the Attorney General of Texas at the request of the Board.

In case underwriters at a Lloyd's shall desire to withdraw from the insurance, they may be permitted to

do so, if and when they shall satisfy the Board that adequate provision has been made, through reinsurance or otherwise, for the payment of all unadjusted losses, and for the reinsurance of all outstanding risk in favor of citizens of Texas, or covering property in Texas, and thereupon, any bond of the attorney-in-fact shall be released, and said Board shall release to such underwriters the net assets over which it may have been given joint control.

Article 5022a. Foreign Lloyd's. In case underwriters at a Lloyd's who are non-residents of Texas, or who maintain their principal office outside of Texas, apply for a permit to do business in Texas, such permit shall not be granted unless such underwriters have and maintain net assets in Texas which are subject to the joint control of their attorney-in-fact and the Board of Insurance Commissioners of this State sufficient to meet the minimum requirements of this Chapter relative to the amount of net assets which underwriters at Lloyd's must have; or unless they submit to and file with the Board a bond executed by such corporate sureties as the Board may require (which corporate sureties must be licensed to do guaranty, fidelity and surety business in Texas) in a principal amount which would be required for net assets of underwriters at Lloyd's under foregoing provisions of this Chapter which said bond shall be payable to the Board of Insurance Commissioners, and which shall be conditioned for the payment of all claims arising upon contracts issued in Texas, or issued to residents and citizens of Texas, or covering property located in Texas, and which bond shall be held by the Board for the benefit of all persons having valid claims arising upon contracts issued in Texas, or to residents or citizens of Texas, or covering property located in Texas. It shall also provide that in the event the underwriters shall become insolvent or cease to transact business in this State at any time when there are outstanding policies of insurance in favor of citizens of this State, or upon property in this State, the Board shall have power, after having given ten days' notice to the attorneys for such underwriters, or any receiver in charge of its prop-

erty and affairs, to contract with any other insurance carrier transacting business in this State for the assumption and reinsurance by it of all the insurance risks outstanding in this State of such underwriters which contract shall also provide for the assumption by such reinsurance carrier of all outstanding and unsatisfied lawful claims then outstanding against such underwriters. In the event of the Board making any such contract, and if the same shall be approved as reasonable by the Attorney General, the reinsuring carrier shall be entitled to recover from the makers of such bond the amount of the premium or compensation so agreed upon for such reinsurance. Such bond shall also bind any additional or substitute underwriters at such Lloyd's. If any underwriters desiring to do so, at their option, in lieu of giving the bond authorized by this article, shall submit admissible securities subject to the joint control of its attorney-in-fact and the Board of Insurance Commissioners such deposits of securities shall be deemed to have been made upon such terms and conditions as provided by such bond.

If there shall be any recovery upon the bond or from the deposit hereinabove provided for, then the Board shall immediately demand additional security so as to bring the amount of the bonds up to the minimum sum required hereunder, which additional bond must be posted within thirty days from the date of such demand. Provided, there may be successive recoveries on said bond until the principal sum thereof is exhausted.

Article 5022b. Foreign Lloyd's Cont'd. All of the provisions of this Chapter as the same are modified by the foregoing articles are applicable to underwriters at a Lloyd's who are non-residents of Texas, or who maintain their principal office outside of Texas, in the same manner that they are applicable to underwriters of a Lloyd's who are residents of Texas and who maintain their principal office in this State.

Article 5022c. Reinsurance. The provisions of this Act relative to foreign Lloyd's shall not prevent any Texas Lloyd's from reinsuring its excess lines with a solvent foreign Lloyd's, acceptable to the Board of

Insurance Commissioners, which has no license to do business in Texas nor from reinsuring any business from such foreign Lloyd's.

Article 5022d. Revocation and Suspension of License. If any attorney-in-fact or underwriters at Lloyd's shall violate any of the provisions of this Chapter or any of the other laws of the State of Texas, which are applicable to them, the license of such attorney shall be revoked and the right to do business in Texas shall be cancelled.

Article 5023. This Law Exclusive. Except as herein provided no other insurance law of this State shall apply to insurance on the Lloyd's plan unless it is specifically so provided in such other law that the same shall be applicable.

Article 5023a. Promotion of Lloyd's.

(1) No person or persons, firm or corporation shall be instrumental in the organization of a Lloyd's business if in such organization any money or property shall be paid over to such person, persons, firm or corporation, or their agent or representative by way of commission or other compensation for procuring underwriters or guaranty fund for such Lloyd's unless such person, persons, firm or corporation shall in advance make application to the Board of Insurance Commissioners and shall receive a permit from such Board to organize such Lloyd's and charge a commission in connection with such organization.

(2) In no event shall more than ten per cent of the total amount of the subscription to such an enterprise by any underwriter be paid to any person by way of commission for the sale of "units" or interest in such Lloyd's business or in the procuring of underwriters therefor.

(3) This article shall not apply to the organization or the enlargement of a Lloyd's in which no promotion expense is deducted from the contribution made by the underwriters, and no commission of any sort is paid for the procuring of underwriters or subscriptions to the guaranty fund of such business.

(4) This Article shall apply to the continued organization or the continued extension of any Lloyd's business which has heretofore been licensed by the Insurance Depart-

ment of this State, if such further extension of such business any commission is to be paid but such permit shall not be refused because of the contemplated size or amount of the guaranty fund of such Lloyd's.

(5) After such permission shall have been granted for the organization or enlargements of a Lloyd's, no securities shall be accepted as contributions to the guaranty fund of such Lloyd's, unless such securities shall have been approved in advance by the Board of Insurance Commissioners as complying with this Law relative to the investment of the funds of such organizations.

Sec. 2. The fact that the present law does not adequately protect the public against insolvency of Lloyd's and the further fact that the present law does not in any manner restrict the operation of insurance upon the Lloyd's plan either as to amount of business or the manner of the conduct of such business, and the further fact that the present law does not contemplate any regulation whatsoever over foreign Lloyd's, and the increasing number of instances in which persons outside the State of Texas are undertaking to secure permits in Texas to do business upon the Lloyd's plan, and the great volume of legislation upon the calendar at this session, create an emergency and an imperative public necessity demanding the suspension of the Constitutional Rule requiring that all bills be read on three several days in each House, and said Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room.

Austin, Texas, May 1, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 37, A bill to be entitled "An Act to provide for the organization, incorporation or admission and the regulation and taxation of Mutual Insurance Companies; repealing Chapters 5, 6, 9, 12, 13, and 14 of Title 78, of the Revised Civil Statutes of 1925, and all other laws or parts of laws in conflict herewith; providing a penalty for the violation of the provisions thereof; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation with amendment and that it be printed in the Journal but not otherwise.

MOORE Chairman.

Amend S. B. No. 37 by adding the following new section:

Sec. 18a. Mutual Assessment Health and Accident Associations organized under the provisions of Chapter 6, Revised Statutes 1925 which are in existence when this Act shall take effect, may pay to beneficiaries of their deceased members a funeral benefit which shall not exceed the sum of Three Hundred Dollars (\$300.00), in event of the death of any such member resulting from sickness or disease.

Amend the caption by inserting after the words "conflict herewith," the following: "providing that mutual assessment health and accident associations may pay certain funeral benefits and."

By Senators Moore S. B. No. 37.
and Love.

A BILL

To Be Entitled

An Act to provide for the organization, incorporation or admission and the regulation and taxation of Mutual Insurance Companies; repealing Chapter 5, 6, 9, 12, 12 and 14 of Title 78, of the Revised Civil Statutes of 1925, and all other laws or parts of laws in conflict herewith; providing a penalty for the violation of the provisions thereof; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas.

Section 1. Any number of persons, not less than twenty, a majority of whom shall be bona fide residents of this State, by complying with the provisions of this Act, may become, together with others who may hereafter be associated with them of their successors, a body corporate for the purpose of carrying on the business of mutual insurance as herein provided.

Sec. 2. Any person proposing to form any such company shall subscribe and acknowledge articles of incorporation specifying;

(a) The name, the purpose for

which formed, and the location of its principal or home office, which shall be within this State;

(b) The names and addresses of those composing the board of directors in which management shall be vested until the first meeting of members;

(c) The names and places of residence of the incorporators.

Sec. 3. No name shall be adopted by such company which does not contain the word "mutual," or which is so similar to any name already in use by any such existing corporation, company or association, organized or doing business in the United States, as to be confusing or misleading.

Sec. 4. Such articles of incorporation shall be submitted to the Board of Insurance Commissioners, herein called "The Board," who shall submit them to the Attorney General for examination, and if such Articles are prepared in accordance with this Act, the Attorney General shall so certify and deliver such articles of incorporation, together with his certificate of approval attached thereto, to the Board, who shall upon receipt thereof issue a certificate of incorporation to the company which shall constitute its authority to commence business and issue policies as hereinafter provided. Such articles of incorporation may be amended in the manner provided for other corporations or as may be provided in said certificate.

Sec. 5. The company shall have legal existence from and after the date of issuance of said certificate. The company shall have such powers as are necessary or incident to the transaction of its business. The Board of Directors named in such articles may thereupon adopt by-laws, accept applications for insurance, and proceed to transact the business of such company; provided, that no insurance shall be put into force until the company has been licensed to transact insurance as provided by this Act.

Sec. 6. Any company organized under the provisions of this Act is empowered and authorized to write any kinds of insurance which may lawfully be written in Texas, except life insurance.

Sec. 7. No company organized under this Act shall issue policies or transact any business of insurance unless it shall comply with the con-

ditions following, or until the Board has, by formal license authorized it to do so, which license he shall not issue until the corporation has complied with the following conditions:

(a) It shall hold bona fide applications for insurance upon which it shall issue simultaneously, or it shall have in force, at least twenty policies to at least twenty members for the same kind of insurance upon not less than three hundred separate risks each within the maximum single risk described herein;

(b) The "maximum single risk" shall not exceed twenty per cent of the admitted assets, or three times the average risk or one per cent of the insurance in force, whichever is the greater, and reinsurance taking effect simultaneously with the policy being deducted in determining such maximum single risk;

(c) For the purpose of transacting workmen's compensation insurance such company shall have applications from at least fifty employers for insurance on which policies are to be issued covering not less than two thousand employees, each such employee being considered a separate risk; and the provisions with regard to maximum single risk shall not apply;

(d) It shall have collected a premium in advance upon each application the total of which premium shall be held in cash or securities in which stock fire and casualty insurance companies are under the Texas law authorized to invest. It shall have and at all times maintain cash and invested assets of not less than fifty thousand dollars, if it be a casualty insurance company and not less than twenty thousand dollars if it shall be other than casualty insurance company. If at any time the company shall have assets or surplus in less amount than is required for the issuance of policies and the transaction of business upon organization, the company shall cease writing new business and shall immediately report such condition to the Board of Insurance Commissioners, which may in its discretion order a reinsurance of the outstanding liabilities of the company in some other company transacting business in this State or proceed to a liquidation of the same.

Sec. 8. Any public or private corporation, board or association in this State or elsewhere may make appli-

cation, enter into agreements for and hold policies in any such mutual insurance company. Any officer, stockholder, trustee, or legal representative of any such corporation, board, association or estate may be recognized as acting for or on behalf for the purpose of such membership, but shall not be personally liable upon such contract of insurance by reason of acting in such representative capacity. The right of any corporation organized under the laws of this State to participate as a member of any such mutual insurance company is hereby declared to be incidental to the purpose for which such corporation is organized and as much granted as the rights and powers expressly conferred.

Sec. 9. Every member of the company shall be entitled to one vote, or to a number of votes based upon the insurance in force, the number of policies held, or the amount of premium paid, as may be provided in the by-laws.

Sec. 10. The policies shall provide for a premium or premium deposit payable in cash, and except as herein provided for a contingent premium at least equal to the premium or premium deposit. Such a mutual company may issue a policy without a contingent premium while, but only while, it has a surplus equal to the capital required of a domestic stock insurance company transacting the same kinds of insurance, but any such company may issue a policy providing that the holder of any such policy shall be liable for no greater amount than the premium or premium deposit expressed in the policy. If at any time the admitted assets are less than the unearned premium reserve, other liabilities and the required surplus, the company shall immediately collect upon policies with a contingent premium a sufficient proportionate part thereof to restore such assets, provided no member shall be liable for any part of such contingent premium in excess of the amount demanded within one year after the termination of the policy. The Board may, by written order, direct that proceedings to restore such assets be deferred during the time fixed in such order.

Sec. 11. Any director, officer or member of such company, or any other person, may advance to such company, any sum or sums of money

necessary for the purpose of its business or to enable it to comply with any requirements of the law and such moneys and interest thereon as may have been agreed upon, not exceeding ten per cent per annum shall be payable only out of the surplus remaining after providing for all reserve, other liabilities and lawful surplus, and shall not otherwise be a liability or claim against the company or any of its assets. No commission or promotion expenses shall be paid in connection with the advance of any such money to the company, and the amount of such advances shall be reported in each annual statement.

Sec. 12. Such company shall maintain unearned premium and other reserves separately for each kind of insurance, upon the same basis as that required of domestic stock insurance companies transacting the same kind of insurance.

Sec. 13. Any such mutual insurance company organized outside of this State and authorized to transact the business of insurance on the mutual plan in any state, district or territory, shall be admitted and licensed to transact the kinds of insurance authorized by its charter or articles to the extent and with the powers and privileges specified in this Act when it shall be solvent under this Act, and shall have complied with the following requirement:

(a) Filed with the Board of Insurance Commissioners a copy of its by-laws certified to by its secretary;

(b) Filed with the said Board a certified copy of its charter or articles of incorporation;

(c) Appointed the Chairman of the said Board its agent for the services of process, in any action, suit or proceedings in any court of this State, which authority shall continue as long as any liability shall remain outstanding in this State;

(d) Filed a financial statement under oath, in such form as the Board may require, and have complied with the other provisions of law applicable to the filing of papers and furnishing information by stock companies on application for authority to transact the same kind of insurance;

(e) Its name shall not be so similar to any name already in use by any such existing corporation, company or association organized or li-

censed in this State as to be confusing or misleading.

Sec. 14. Every such mutual insurance company, whether organized within or without the State, shall be subject, except as otherwise provided by law, to all general provisions of law applicable to stock insurance companies transacting the same kinds of insurance, investments, valued policies, policy forms and rates reciprocal or retaliatory laws, insolvency and liquidation, publication and defamatory statements, and shall make its annual report in such form and submit to such examination and furnish such information as may be required by the Board. As far as practicable such examinations of mutual insurance companies organized outside of this State shall be made in co-operation with the insurance departments of other states and the forms of annual report shall be such as are in general use throughout the United States.

Sec. 15. That nothing in this Act shall be construed to mean that any company or association incorporated or organized hereunder shall be exempt from the provisions of the General Laws of this State, heretofore or hereafter enacted governing the incorporation, organization, regulation and operation of companies or organizations writing insurance in this State.

Sec. 16. Any such mutual insurance company organized or admitted to transact insurance in this State may by policy, treaty or other agreement cede to or accept from any insurance company or insurer reinsurance upon the whole or any part of any risk, which reinsurance shall be without contingent liability or participation or membership, unless the contract provides otherwise, and shall not be affected with any company or insurer disapproved therefor by written order of the Board of Insurance Commissioners filed in his office.

Sec. 17. Every such company, whether organized within or without this State shall be subject to such fees as are now provided by law for stock companies doing the same kind of business and to such taxes as may be provided by law for such mutual companies. The tax shall be paid upon the gross premium received for direct insurance upon property or risks located in this State, deducting

amounts paid for reinsurance in admitted companies, premiums upon policies not taken, premiums returned on cancelled policies and any refund or return made to the policy holders other than for losses.

Sec. 18. Chapters 5, 6, 9, 12, 13, 14 and 15 of Title 78, of the Revised Civil Statutes of 1925, and all other laws or parts of laws in conflict with the provisions of this Act, are hereby repealed; provided that such repeals and the provisions of this Act shall not apply to or affect any company or association of this State now doing business under the laws repealed, and they shall continue to be governed by the regulatory provisions of such laws. Any company, now transacting business in this State under any General or Special Law, may, however, by resolution of its Board of Directors, duly approved by the majority of the members, at a meeting specially called for that purpose, and duly certified to by the president and secretary, and filed with the Board of Insurance Commission, elect to adopt and become subject to the provisions of this Act, in lieu of any act or acts theretofore governing such company or association. Any company or association so electing and fully complying with this Act, may thereafter affect such kinds of insurance as is authorized by this Act, and specified in its articles of association then in force, or as then or thereafter amended, together with such additional kinds of insurance as are specified in such resolution and authorized by this Act.

Sec. 19. No sort of mutual insurance, other than life insurance, may be conducted in this State except under the provisions of this Law, or under some law remaining on the Statutes authorizing the same.

Sec. 20. Any person or corporation violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Fifty (\$50.00) Dollars nor more than Five Hundred (\$500.00) Dollars.

Sec. 21. Should any part of this Act for any reason be held to be invalid, unconstitutional or inoperative, no other part or parts thereof shall be held affected thereby, and if any exception to or any limitation upon any general provision herein contained shall be held unconstitutional or invalid or ineffective, the general provision shall, nevertheless,

stand effective and valid as it has been enacted without limitation or exceptions.

Sec. 22. The fact that there is now no adequate law in this State governing mutual companies transacting the business of casualty insurance, constitutes an emergency and an imperative public necessity, which requires that the Constitutional Rule providing that all bills be read on three several days be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, May 2, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 40, have had same under consideration and I am instructed to report it back to the Senate, with the recommendation that it do pass, and be printed in the journal only.

SMALL, Vice-Chairman.

By Westbrook: S. B. No. 40.

A BILL

To Be Entitled

An Act amending Article 6640 of the Revised Civil Statutes of 1925 requiring lis pendens notices to be filed upon the filing of any suit or action involving the title to real estate or seeking to establish any interest or right therein or to enforce any lien, charge or encumbrance against the same; providing that failure to comply with the requirements of Article 6640 as amended shall be ground for dismissal of any suit affected by said article; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 6640 of the Revised Civil Statutes of 1925 is hereby amended so as to hereafter read as follows:

"Article 6640. Suit for Land; Notice to be Filed.—Upon the filing of any suit of action, involving title to real estate, or seeking to establish any interest or right therein, or to enforce any lien, charge or encumbrance against the same, any party seeking affirmative relief therein, shall file a notice of the pendency of such suit with the county clerk of

each county where such real estate, or any part thereof, is situated. Such notice shall be signed by the party filing the same, his agent or attorney, setting forth the number and style of the cause, the court in which pending, the names of the party thereto, the kind of suit and description of the land affected. Failure to comply with this Article shall be ground for dismissal of any such suit."

Sec. 2. The fact that such notices should be required to be filed in such cases, and the law making such requirement should become effective as soon as possible, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, May 2, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 44, A bill to be entitled "An Act renewing and extending oil and gas permits Numbers 8852, 8854 and 8859, issued by the Commissioner of the General Land Office of the State of Texas on the 16th day of October, 1924, covering University Lands in Pecos County, Texas, for an additional period of three years from and after the present date of expiration of said permits; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be printed in the Journal but not otherwise.

WIRTZ, Chairman.

Whereas, On the 16th day of October 1924, the Commissioner of the General Land Office of the State of Texas issued to C. C. Rollins Oil & Gas Permit No. 8852, and on the same day issued to Clyde Bailey Oil & Gas Permit No. 8854, and on the same day issued to Robert R. Landrum Oil and Gas Permit No. 8859, all of said permits covering University Lands located in Pecos County, Texas; and

Whereas, The owner of a portion of the land embraced within Permit No. 8852 has drilled a well on said land to a depth of more than four thousand feet and has expended on said drilling operations more than \$74,000.00; and

Whereas, Said drilling operations have been diligently prosecuted and are being diligently prosecuted; and

Whereas, No oil production has been obtained, and the owner desires to continue said drilling operations in the expectation of obtaining production in paying quantities in a deeper sand; and

Whereas, On account of the difficulty and hazard attending the drilling operations cannot be completed before the date of expiration of such permit, to-wit, the 16th day of October, A. D. 1929; and

Whereas, The State of Texas and the University will probably be benefited by a continuation of said drilling operations; and

Whereas, The respective owners of portions of the lands embraced within Permits Nos. 8852, 8854 and 8859 have grouped and combined their subdivision permits in one group for the purpose of developing oil and gas as authorized by Article 5374 Revised; therefore,

By Small.

S. B. No. 44.

A BILL
To Be Entitled

An Act renewing and extending oil and gas permits Numbers 8852, 8854 and 8859, issued by the Commissioner of the General Land Office of the State of Texas on the 16th day of October, 1924, covering University Lands in Pecos County, Texas, for an additional period of three years from and after the present date of expiration of said permits; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Oil and Gas Permits Nos. 8852, 8854 and 8859, covering University Lands situated in Pecos County, Texas, issued by the Commissioner of the General Land Office of the State of Texas on October 16th, 1924, the present date of expiration of which is five years after the date of issuance, are hereby renewed and extended for an additional term of three years from and after

the present date of expiration, so that said permits shall be in force and effect for a term and period of three years from and after October 16, 1929; provided that all rights hereunder shall be conditioned on regular payment of the annual rental covering the three year extension period in the absence of production.

Sec. 2. The fact that the owner of lands embraced within said permits has already conducted drilling operations at great expense reaching a depth of more than 4,000 feet and has failed to discover oil or gas, and the fact that the owner of said land is willing and desires to drill said well to a greater depth, which unless oil is sooner discovered will probably require the continuation of drilling operations after the present date of expiration of said permits, and the great importance of this legislation to the Permanent Fund of the University of Texas, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended and that this act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, May 2, 1929

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee, on Civil Jurisprudence, to whom was referred

S. B. No. 46, A bill to be entitled An Act changing the Statutes so as to eliminate the provision requiring county depositories located away from the county seat to provide a place at the county seat at which county checks may be cashed; amending Article 2553 of the Revised Civil Statutes of 1925; and declaring an emergency.

Have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal and not otherwise.

SMALL, Vice-Chairman.

By McFarlane.

S. B. No. 46.

A BILL

To Be Entitled

An Act changing the Statutes so as to eliminate the provision requiring county depositories located

away from the county seat to provide a place at the county seat at which county checks may be cashed; amending Article 2552 and repealing Article 2553 of the Revised Civil Statutes of 1925; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 2552 of the Revised Civil Statutes of 1925 is hereby amended so as to read as follows:

Article 2552. It shall be the duty of the depository to provide for the payment, upon presentment at the depository, of all checks drawn by the county treasurer upon the funds of said county, as long as such funds shall be in the possession of the depository subject to such checks. For every failure to pay any such check at such depository upon presentment, said depository shall forfeit and pay to the holder of such check ten per cent of the amount thereof; and the commissioners court shall revoke the order creating such depository and the amount of its bid shall not be returned, but shall be forfeited to the county.

Sec. 2. Article 2553 of the Revised Civil Statutes of 1925 is hereby repealed.

Sec. 3. The fact that it will be to the best interest of the county in receiving bids of the banks to act as county depository to eliminate from the law the provision requiring depository located away from the county seat to provide a place at the county seat where county checks may be cashed, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Communication from Attorney General.

Hon. Thos. B. Love,
State Senate,
Capitol.

Dear Senator:

In your communication of March 25th, you refer to Section 33, Article 3 of the Constitution, and to Section 33, Article 3, and submit two inquiries:

First: Whether in view of these provisions of the Constitution if a

bill is passed by the House of Representatives providing for raising revenue by levying an automobile license fee on automobiles, it can be amended by adding provisions also levying an occupation tax on the sale of gasoline.

Second: If a bill levying an occupation tax on the sale of gasoline should be passed by the House of Representatives, whether such a bill can be amended in the Senate by adding provisions also levying an occupation tax on the sale of cigarettes.

I have given a most thorough study to the inquiries you submit and have discussed the same quite thoroughly in a conference with my assistants, and have reached the conclusion as to your first inquiry, that if a bill introduced in the House of Representatives contains in its caption a proper subject of the legislation, that there may be included in the bill both a provision levying an automobile license fee on automobiles and a provision levying an occupation tax upon the sale of gasoline. The Constitution provides that "no bill * * * shall contain more than one subject which shall be expressed in its title." Many States have similar constitutional provisions. The Constitutions prior to the one now in force had the same provisions except that the word "object" was used instead of the word "subject." This provision of the Constitution has been before the courts of the country many times, and the general rule from all of the decisions, as I construe it, is that it was the intention of the provision to prevent embracing in one act having one ostensible object, provisions having no relevancy to that object, but designed really to effectuate other wholly different objects, and thus conceal and disguise the real purpose of the act by a deceptive title. In the case of *Fahey vs. State*, 11 S. W. 109, this language is used:

"It must not be overlooked that the Constitution demands that the title of an act shall express the subject, not the object of the act. It is the matter to which the statute relates, and with which it deals, and not what it proposes to do which is to be found in the title."

Again it is said:

"None of the provisions of a statute should be regarded as unconstitutional where they relate directly or indirectly to the same subject having a mutual connection and are not foreign to the subject expressed in the title.

"So long as the provisions are of the same nature and come legitimately under one general denomination or object we cannot say that the act is unconstitutional." (45 Tex. 267; 44 Tex. 306.)

And again in the case of *Dodge vs. Youngblood*, 202 S. W. 116:

"The end desired is obtained when a law has but one general object which is fairly indicated by the title. The generality of a title is, therefore, no objection to it so long as it is not made to cover legislation incongruous in itself, and which by no fair intendment must be considered as having a necessary or proper connection."

And again in the case of *Giddings vs. San Antonio*, 47 Tex. 556:

"While this has been regarded as the settled rule of construction here in its application, the most liberal construction has been given by the Supreme Court of this State in accordance with the general current of authority to make the whole law constitutional where the part objected to as infringing this part of the Constitution could be considered as appropriately connected with or subsidiary to the main object of the act, as expressed in the title."

And the following from *Cooley on Taxation*, 6th Edition, Vol. 2, Section 499, Page 1100, which in my opinion is a very concise, accurate statement of authority as gathered from all of the courts of the land:

" * * * The construction of such constitutional provisions as applied to statutes in general is no different from the construction of such provisions as applied to tax statutes. * * * Yet in a great majority of the cases the statute is held not to violate the constitutional provisions since it is only in a plain case that the courts will invalidate all statutes or any part thereof on such a ground. This provision is to be liberally construed and all doubts resolved in favor of the law, and it is not essential that the basis or even accurate words are employed in the title. As has been well said

'all objects should be grave and the conflict between the statute and the Constitution palpable before the judiciary should disregard a legislative enactment upon the sole ground that it embraced more than one object, or if but one object that it was not sufficiently expressed by the title.' It is not essential that every end and means necessary or convenient for the accomplishment of the general object be either referred to or necessarily indicated in the title, but it is sufficient that the title shall not be made to cover legislation which by no fair intendment can be considered as having a necessary or proper connection * * *. Thus an act entitled a supplement to 'an act concerning taxes' is not open to the objection that it embraces more than one subject expressed in its title because it deals with several details of the matter of taxes.

"This constitutional provision is not intended, nor is it to be construed to prevent the Legislature from embracing in one act all matters properly connected with one general subject."

In view of this line of authority and of the tendency of the courts of recent years to give a very broad and liberal construction to this provision of the Constitution, I am of the opinion that if a bill contains as a general subject of legislation such a title as substantially this:

"An Act to provide for raising revenue for the purpose of constructing, maintaining, etc. the highways of the State of Texas by the levying of certain license fees and occupation taxes (naming them), and the appropriation of said revenue for such purposes"

would be constitutional although in this Act there might be levied both an automobile license fee and an occupation tax upon the sale of gasoline.

As to your second question, I am of the opinion that a bill introduced in the House of Representatives, levying an occupation tax on the sale of gasoline could be constitutionally amended in the Senate by levying an occupation tax upon the sale of cigarettes or any other occupation.

The Constitution provides:

"All bills for raising revenue shall originate in the House of Represen-

tatives but the Senate may amend or reject them as other bills.'

The Constitution of the United States contains the provision that "all bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills."

The provision of the Constitution of the United States has been before the Supreme Court of the United States on several occasions. In the case of *Flint vs. Stone Tracy Co.*, 220 U. S. 143, in which the court used this language:

"This statement shows that the tariff bill of which the section under consideration is a part, originated in the House of Representatives and was there a general bill for the collection of revenue. As originally introduced it contained a plan of inheritance taxation. In the Senate the proposed tax was removed from the bill, and the corporation tax, in a measure, substituted therefor. The bill having properly originated in the House, we perceive no reason in the constitutional provision relied upon why it may not be amended in the Senate in the manner which it was in this case. The amendment was germane to the subject-matter of the bill and not beyond the power of the Senate to propose."

And in the case of *Rainey vs. U. S.*, 232 U. S. 317, Chief Justice White, speaking for the court, said:

"I am also satisfied that the section in question is not void as a bill for raising revenue originating in the Senate and not in the House of Representatives. It appears that the section was proposed by the Senate as an amendment to a bill for raising revenue which originated in the House. That is sufficient."

Under the uniform custom of legislative bodies, both state and national, as to amendments of bills, they most frequently include especially as to occupation tax bills, the adding of additional occupations to those contained in the original bill, and no question has ever been raised so far as I have ever been able to ascertain, as to this being a legal amendment of a bill. Certainly while a bill is pending in the House of Representatives, having for its purpose the levy of an occupation tax upon the sale of gasoline, an amendment may be constitutionally made in the House levying an occu-

pation tax upon the sale of cigarettes or any other occupation. The bill having for its purpose the raising of revenue must originate in the House of Representatives, but the constitutional provision is that having so originated, the Senate may amend it "as other bills." This provision is certainly broad enough to authorize the Senate to amend the bill as fully and to the same extent as it might have been amended in the House of Representatives.

You are, therefore, advised that such an amendment of a revenue measure, originating in the House of Representatives, by the Senate would not be in violation of the provisions of our Constitution. This construction is accentuated by the fact that under the rules of procedure and the provisions of the Constitution, if and when an amendment of the Senate is made to a House Bill it must be returned to the House for further consideration and final passage by it before it becomes a law.

Yours very truly,

POLLARD,

Attorney General, State of Texas.

EIGHTH DAY.

Senate Chamber,

Austin, Texas.

Friday, May 3, 1929.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Moore.
Berkeley.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Witt.
Martin.	Wirtz.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Cousins.	Small.
Hardin.	Williamson.
Parr.	Woodward.